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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,181	03/26/2004	William Horton	20341-73744	2942
23643 7590 03/19/2007 BARNES & THORNBURG LLP 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			EXAMINER HAWK, NOAH CHANDLER	
			ART UNIT	PAPER NUMBER
			3636	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/811,181	HORTON ET AL.	
	Examiner	Art Unit	
	Noah C. Hawk	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/6/04, 8/16/04</u>   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Claim 44 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/16/06.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 recites the limitation "the first portion of the locking pin" in lines 2-3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

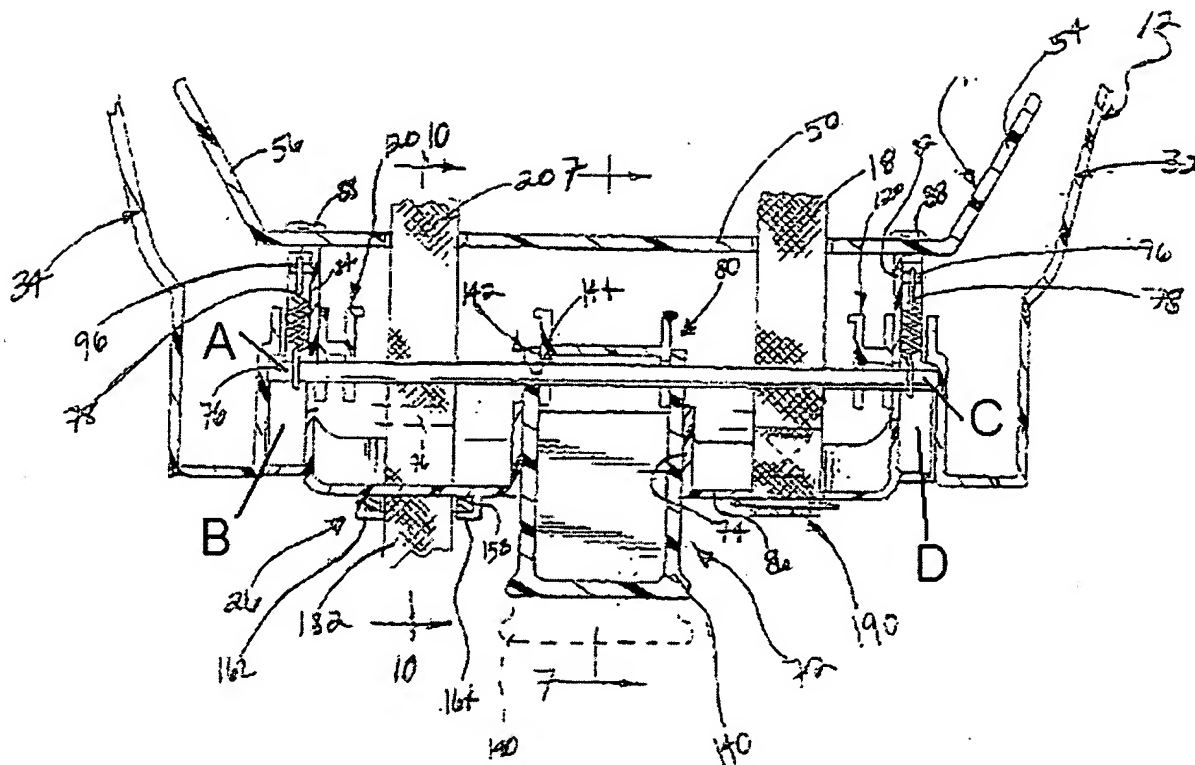
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5. Claims 1, 9, 20 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kain in US Publication 2002/0043837.

a. Regarding Claim 1, Kain teaches a juvenile seat comprising a seat shell having a bottom (22) and a back support (30) coupled to the bottom at an angle relative to the bottom (Best seen in Figures 1 and 2), a headrest (16) coupled to the seat shell and arranged for up and down motion, having a rear surface engaged with a back support surface of the back support portion, and a height adjustment mechanism including a locking pin (A) coupled to the headrest, a vertical slot (B) provided in the back support portion and formed to receive the locking pin, the slot defining vertically-spaced position indicators (112,114,116) to receive the locking pin in a locked position.

b. Regarding Claim 9, Kain further teaches a second locking pin (C) and a second vertical slot (D).

c. Regarding Claims 20 and 25, Kain further teaches a shroud member (84) having an aperture (94) and that the back support portion of the seat shell is positioned between the headrest and the shroud.



Kain '837, Figure 6

6. Claims 27 and 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Kain in US Patent 6464294.

d. Regarding Claim 27, Kain teaches a juvenile seat comprising a seat shell including a bottom portion (12) and a back support portion (14) coupled to the bottom portion at an angle, a headrest (60) arranged for up and down movement, a locking pin (26) and a position indicator (30, 32, 34, 36).

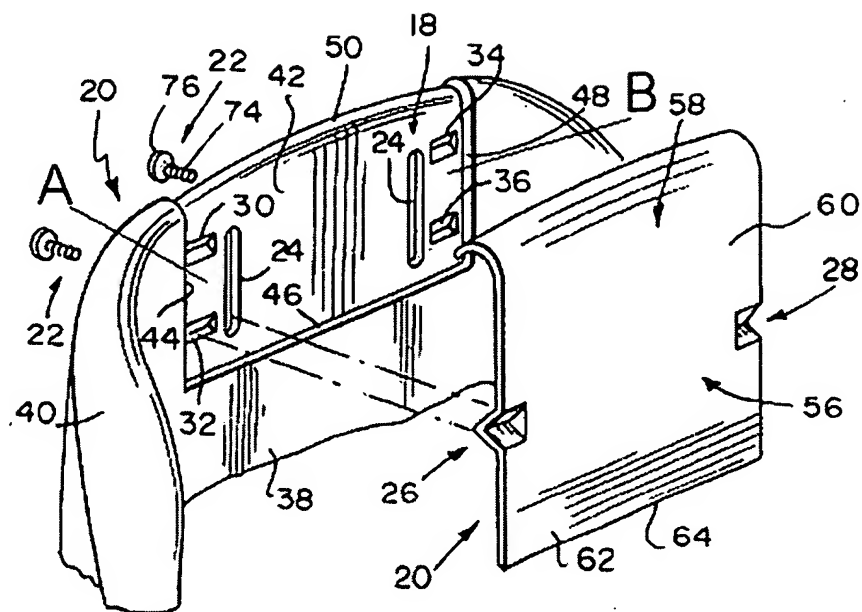
e. Regarding Claim 29, Kain teaches that the locking pin is rigidly connected to the headrest and the locking pin and headrest are arranged to move

horizontally (see Figure 4-6) relative to the seat shell generally perpendicularly to the back support portion of the shell.

f. Regarding Claim 30, Kain teaches that the back plate (56) of the headrest engages a back support surface of the back support portion in the locked position (see Figures 4 and 6) and is spaced apart from the back support surface (see Figure 5) in the unlocked position.

g. Regarding Claim 31, Kain further teaches a vertical slot formed in the back support portion (the area defined by 44, 46 and 48) including the position indicator.

h. Regarding Claim 32, Kain teaches that the vertical slot includes a plurality of position indicators 30, 32, 34, 36) spaced apart by vertical segments (A, B).



Kain '294, Figure 2

7. Claims 37, 39 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuo in US Publication 2002/0043837.

i. Regarding Claim 37, Kuo teaches a juvenile seat comprising a seat shell having a bottom seat portion (22) and a back support portion (30) coupled to the bottom seat portion at an angle, a headrest (16) and means (comprising at least 140 and 76) for locking the headrest to prevent up and down movement.

j. Regarding Claim 39, Kuo teaches that the locking means includes a locking pin (76) coupled to the headrest for up and down and back and forth movement, a vertical slot (224) and a spring (78).

k. Regarding Claim 40, Kuo teaches a plurality of position indicators (112, 114, 116).

***Allowable Subject Matter***

8. Claims 2-8, 10-19, 26, 28, 33-36, 38 and 41-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 21-24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sedlack and Khavari et al. teach juvenile seats with adjustable headrests having pin locating means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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3/13/07



DAVID DUNN  
SUPERVISORY PATENT EXAMINER